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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/466,925	12/20/1999	KENICHI KOKUBO	99N034-US	1740

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MCGINN & GIBB PC  
1701 CLARENDON BOULEVARD  
SUITE 100  
ARLINGTON, VA 22209

EXAMINER

HA, LEYNNA A

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 10/01/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/466,925

Applicant(s)

KOKUBO, KENICHI

Examiner

LEYNNA T. HA

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

1. Claims 1-12 have been examined and are rejected under U.S.C. 102(b).
2. The Drawings are objected to.

**Drawings**

3. ***The drawings are objected.***

Please refer to the copy of the Draftsperson's Review (form PTO 948) for errors pertaining to the drawings.

***A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.***

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**Claim Rejections - 35 USC § 102**

**4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**5. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kleijne, Et al. (US 4,691,350).**

**As per claim 1:**

Kleijne, Et al. discloses a data storage device comprising:

storage means, installed in a housing, for storing predetermined confidential data; [see col.2. lines 13-17 and FIG.1]

data generation means for generating data representing deflection of said housing in which said storage means is installed; and [see col.9, lines 8-45]

detection means for detecting physical impact applied to said housing in accordance with the data generated by said data generation means. [see col.10. lines 13-30]

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**As per claim 2:**

Kleijne, Et al. discloses a data storage device comprising:

storage means, installed in a housing, for storing predetermined confidential data; **[see col.3. lines 20-46 and FIG.1]**

data generation means for generating data representing deflection of said housing in which said storage means is installed; **[see col.9, lines 8-45]**

detection means for detecting physical impact applied to said housing by specifying the deflection of said housing in accordance with the data generated by said data generation means; and **[see col.10. lines 13-30]**

data cancel means for canceling the confidential data stored in said storage means when said detection means detects physical impact applied to said housing. **[see col.10. lines 13-30]**

**As per claim 3:**

Kleijne, Et al. discloses a data storage device according to claim 1, further comprising:

measure means for measuring temperature in said housing in which said storage means is installed; and **[see col.10. lines 43-64]**

correction means for correcting the data generated by said data generation means in accordance with the temperature measured by said measure means, **[see col.11. lines 45-col.12, line 29]**

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wherein said detection means detects the physical impact applied to said housing in accordance with the data representing the deflection after the correction by said correction means. **[see col.13, line 3-25]**

**As per claim 4:**

Kleijne, Et al. discloses a data storage device according to claim 2, further comprising:

measure means for measuring temperature in said housing in which said storage means is installed; and **[see col.10, lines 43-64]**

correction means for correcting the data generated by said data generation means in accordance with the temperature measured by said measure means, **[see col.11, lines 45-col.12, line 29]**

wherein said detection means detects the physical impact applied to said housing in accordance with the data representing the deflection after the correction by said correction means. **[see col.13, line 3-25]**

**As per claim 5:**

Kleijne, Et al. discloses a data storage device comprising:

a memory, installed in a tight housing having predetermined shape, for storing predetermined confidential data; **[see col.4, lines 17-28 and FIG.2]**

a plurality of electrodes, arranged in said housing in which said memory is installed, for generating predetermined capacitance; and **[see col.11-col.12]**

a detection processor for detecting physical impact applied to said housing in accordance with shift degrees of the capacitance at said electrodes.

**[see col.12, lines 4-67]**

**As per claim 6:**

Kleijne, Et al. discloses a data storage device comprising:

a memory, installed in a tight housing having predetermined shape, for storing predetermined confidential data; **[see col.4, lines 17-28 and FIG.2]**

a plurality of electrodes, arranged in said housing in which said memory is installed, for generating predetermined capacitance; **[see col.11-col.12]**

a detection processor which specifies deflection of said housing in accordance with shift degrees of the capacitance at said electrodes to detect physical impact applied to said housing; and **[see col.12, lines 4-67]**

a data canceler which cancels the confidential data stored in said memory when said detection processor detects the physical impact applied to said housing. **[see col.10. lines 13-30]**

**As per claim 7:**

Kleijne, Et al. discloses a data storage device according to claim 5, further comprising:

a thermo-sensor which measure temperature in said housing in which said memory in installed; and **[see col.10, lines 43-64]**

a correction processor which corrects the shift degrees of the capacitance at said electrodes in accordance with the temperature measured by said thermo-sensor, [see col.11, line 45-col.12, line 29]

wherein said detection processor detects the physical impact applied to said housing in accordance with the deflection of said housing after the correction by said correction processor. [see col.13, line 3-25]

**As per claim 8:**

Kleijne, Et al. discloses a data storage device according to claim 6, further comprising:

a thermo-sensor which measure temperature in said housing in which said memory is installed; and [see col.10, lines 43-64]

a correction processor which corrects the shift degrees of the capacitance at said electrodes in accordance with the temperature measured by said thermo-sensor, [see col.11, line 45-col.12, line 29]

wherein said detection processor detects the physical impact applied to said housing in accordance with the deflection of said housing after the correction by said correction processor. [see col.12, line 17-col.13, line 25]

**As per claim 9:**

Kleijne, Et al. discloses a detection method comprising:

generating data representing deflection of a housing in which a storage device for storing predetermined confidential data is installed; and



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detecting physical impact applied to said housing in accordance with the data generated by said generating data. **[see col.9, lines 8-col.10, line 42]**

**As per claim 10:**

Kleijne, Et al. discloses a detection method comprising:

generating data representing deflection of a housing in which a storage device for storing predetermined confidential data is installed; **[see col.9, lines 8-col.10, line 42]**

measuring temperature in said housing in which said storage device is correcting data generated by said generating data in accordance with the temperature measured by said measuring temperature; and **[see col.10, lines 43-64]**

detecting physical impact applied to said housing by specifying the deflection of said housing in accordance with the data representing the deflection of said housing after correction by said correcting data. **[see col.12, line 17-col.13, line 25]**

**As per claim 11:**

Kleijne, Et al. discloses a detection method comprising:

measuring capacitance at a plurality of electrodes arranged in a tight housing in which a memory for storing predetermined confidential data is installed; and **[see col.11-col.12]**

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detecting physical impact applied to said housing in accordance with shift degrees of the capacitance measured by said measuring capacitance. **[see col.12, line 17-col.13, line 25]**

**As per claim 12:**

Kleijne, Et al. discloses a detection method comprising:

measuring capacitance at a plurality of electrodes arranged in a housing in which a memory for storing predetermined confidential data is installed; **[see col.11-col.12]**

measuring temperature in said housing in which said memory is installed; **[see col.10. lines 43-64]**

correcting the capacitance measured by said measuring capacitance in accordance with the temperature measured by said measuring temperature; and **[see col.11, line 45-col.12, line 29]**

detecting physical impact applied to said housing by specifying the deflection of said housing in accordance with shift degrees of the capacitance after the correction by said correcting the capacitance. **[see col.12, line 17-col.13, line 25]**

**Conclusion**

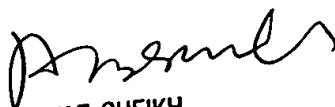
In reference to Kleijne, Et Al., see col.2...Et, Seq. for further details and explanations for the rejections above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEYNNA T. HA whose telephone number is (703) 305-3853. The examiner can normally be reached on Monday - Friday (7:00 - 3:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, AYAZ SHEIKH can be reached on (703) 305-9648. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5631.

lha

  
AYAZ SHEIKH  
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